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James F. McBride 43,784
Name of Attorney/Agent Registration No.

Signature of Attorney

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1743



IN THE UNITED STATES PATENT & TRADEMARK OFFICE
RESPONSE/AMENDMENT

Case Docket No. CM1829

Mail Stop Non Fee Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an AMENDMENT for the patent application:

Inventor(s): Cunningham et al. Confirmation No. 8415

Serial No.: 09/701,803 Group Art Unit: 1743

Date Filed: December 1, 2000 Examiner: Monique T. Cole

Title: Perfume Compositions

1. ☒ No additional fee is known to be required.
2. ☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA*	RATE	FEE
TOTAL	*	MINUS	**	=	x \$18 =	\$
INDEP.	*	MINUS	***	=	x \$84 =	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$280 =	\$
					TOTAL	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the highest number of total claims previously paid for is less than 20, write "20" in this space.

*** If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

3. ☐ The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated in the above-identified application to preserve pendency of said application. The processing fee under 37 CFR §1.17 has been determined as follows: \$ for a -month extension of time.
4. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-2480. A duplicate copy of this sheet is attached.
 - a. ☒ Any patent application processing fees under 37 CFR §1.16.
 - b. ☒ Any patent application processing fees under 37 CFR §1.17.
5. The Commissioner is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.

Date: July 29, 2003
Customer No. 27752

(last revised 4/7/2003)

James F. McBride
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CM1829



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on July 29, 2003

James F. Mc Bride 43,784
Name of Attorney or Agent Registration No.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of Cunningham et al. : Confirmation No. 8415
Serial No. 09/701,803 : Group Art Unit 1743
Filed December 1, 2000 : Examiner Monique T. Cole
For Perfume Compositions

RESPONSE UNDER 37 CFR § 1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed May 2, 2003, the time for response being extended by (0) zero months, please reconsider Applicants' application in view of the following remarks.

REMARKS

Claims 1 and 14-26 are pending.

In addition to this response, Applicants are submitting a Supplemental Information Disclosure Statement wherein WO 99/55819 is listed. Such publication has a publication date of November 4, 1999 and is listed on the cover page of USP 6,458,754 B1 to Velazquez et al. as a priority document for USP 6,458,754.

REJECTIONS UNDER 35 U.S.C. 102(e)

Claims 1, 14-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the compositions disclosed in USP 6,458,754 to Velazquez et al..

According to MPEP § 2131, to anticipate a claim, a reference must teach every element of the claim. In the present case, the cited art fails to contain a reference that teaches the percent limitations of Applicants' perfume composition and the ClogP requirement of the second perfume ingredient. For the Examiner's convenience such limitations are reproduced in bold below.

1. A perfume composition comprising:

- a). **at least 10 %** by weight of at least one High impact Accord ("HI,") perfume ingredient of Class 1, the Class 1 perfume ingredient having (1) a boiling point at 760 mm Hg, of 275°C or lower, (2) a calculated CLogP of at least 2.0, and (3) an odor detection threshold ("ODT") less than or equal to 50 ppb; and
- b). **at least 30 %** by weight of at least one High Impact Accord ("HIA") perfume ingredient of class 2, the Class 2 perfume ingredient having (1) a boiling point at 760 mm Hg, of greater than 275°C, (2) a calculated **CLogP of at least 4.0**, and (3) an odor detection threshold ("ODT") less than or equal to 50 ppb.

As the cited art fails to contain a reference that teaches all the limitations of Applicants' claims, Applicants assert that the cited art fails to support the U.S.C. 102(e) rejection of Applicants claims. As a result, Applicants respectfully request that such rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. 103(a)/102(e)

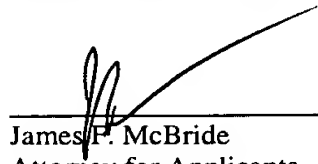
In addition to being rejected under 35 U.S.C. § 102(e) Claims 18-20 stand rejected under 35 U.S.C. § 103(a)/102(e) as being obvious in view of the compositions disclosed in USP 6,458,754 to Velazquez et al..

According to MPEP Section 2143.03, to establish a case of prima facie obviousness, the cited art must teach or suggest all of an Applicant's claim limitations. Here, the cited art, whether taken singularly or in combination fails to teach the percent limitations of Applicants' perfume composition and the ClogP requirement of the second perfume ingredient. Thus, Applicants respectfully assert that the cited art does not contain sufficient teachings to support a prima facia case and that the rejection of Applicants' claims should be withdrawn.

CONCLUSION

In view of Applicants' remarks, it is requested that the Examiner allow Claim 1 and Claims 14-26. If, prior to allowance, any outstanding issues exist, Applicants' attorney would welcome the opportunity to resolve such issues via a phone interview.

Respectfully submitted,



James F. McBride
Attorney for Applicants

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Date: July 29, 2003
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